

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ENVIRONMENTAL PRODUCTS &
SERVICES OF VERMONT, INC.,

Plaintiff,

Civil Action No.:
1:16-cv-00176-JEJ

v.

Hon. John E. Jones III

MILLER CHEMICAL & FERTILIZER OF
PA, LLC, MILLER CHEMICAL &
FERTILIZER CORPORATION, and
MILLER CHEMICAL & FERTILIZER
LLC

Defendants.

NOTICE OF DISMISSAL WITHOUT PREJUDICE

PLEASE TAKE NOTICE that, Plaintiff ENVIRONMENTAL PRODUCTS & SERVICES OF VERMONT, INC., by and through its undersigned counsel, hereby voluntarily dismisses the above-captioned action against Defendants MILLER CHEMICAL & FERTILIZER OF PA, LLC, MILLER CHEMICAL & FERTILIZER CORPORATION AND MILLER CHEMICAL & FERTILIZER, LLC, without prejudice, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. This Notice of Dismissal is being filed with the Court prior to the filing or service of an answer or other responsive pleading by Defendants. Each party shall bear its own costs and attorneys' fees.

Dated: April 22, 2016

Respectfully Submitted,

By: 

Daniel B. Berman, Esq.

(*pro hac vice*)

Whitney M. Kummerow, Esq.

(ID No. 310032)

HANCOCK ESTABROOK, LLP

100 Madison Street, Suite 1500

Syracuse, New York 13202

Tel: (315) 565-4500

Email: dberman@hancocklaw.com

wkummerow@hancocklaw.com

Attorneys for Plaintiff

*Environmental Products & Services of
Vermont, Inc.*

Kimberly A. Selemba (ID No. 93535)

Barbara A. Darkes (ID No. 77419)

MCNEES WALLACE & NURICK LLC

100 Pine Street

P.O. Box 1166

Harrisburg, PA 17108-1166

Tel: (717) 232-8000

Local Counsel for HANCOCK

ESTABROOK, LLP

Certificate of Service

I hereby certify that on April 22, 2016, I caused the foregoing Notice of Dismissal to be filed with the Clerk of the District Court using the CM/ECF system, a copy of which was served via regular mail upon the following:

Bonnie Allyn Barnett (ID No. 37004)
Andrew P. Foster (ID No. 46749)
DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996

*Attorneys for Defendants Miller
Chemical & Fertilizer of PA, LLC;
Miller Chemical &
Fertilizer Corporation; and
Miller Chemical & Fertilizer LLC*

Dated: April 22, 2016

By: 
Whitney Kummerow, Esq.